THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.11713 of 2005

DATED: 19-10-2005

BETWEEN:

S.Venu Madhava Reddy and others .. PetitionerS

AND

The Commissioner & IG of Registration and others

.. Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.11713 of 2005

ORDER:

The case of the petitioners is that they are the owners of 0.04 gts in S.No.972 of Karimnagar in Bhartnagar area and that they deposited the title deeds in respect of that land in a bank at the request of respondents 4 and 5 for their taking a loan from that bank, but they (respondents 4 and 5) had fraudulently taken back the said title deeds from the bank and are trying to dispose of their land to third parties, who are trying to interfere with their possession over their land on the ground that they are going to obtain sale deed in respect of that

land.

The prayer in the petition is to direct the second respondent (Joint Sub Registrar I and II, Assurances, Karimnagar) not to execute sale deed. Probably it is a mistake for a direction to the second respondent 'not to register' the sale deed in respect of the land measuring 0.04 gts in Survey No.972 of Karimnagar.

Whether petitioner is the owner of 0.04 gts in S.No.972 of Karimnagar or not is the question of fact. If a document presented for registration is in accordance with the provisions of the Stamp Act and Registration Act and if the provisions of the Registration Act are complied with, the registering authority is bound to register the same. He has no jurisdiction to go into the question of title of the executant of the document. It is well known that no one can convey a better title than what he has. So, if a person who has no title to the property executes a sale deed, purchaser of that property, cannot get any right. So, even if respondents 4 and 5 execute any sale deed, if they are not the owners of the lands covered by the deeds, the purchaser would not acquire title.

Since the main prayer in the petition is a direction to respondents 4 and 5 not to interfere with the possession of petitioner in Survey No.972, the remedy of the petitioner, for obtaining such relief is to file a civil suit, but not by way of a petition under Article 226 of the Constitution. Therefore, this petition is dismissed as not maintainable. No costs.

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19-10-2005

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